

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

**ALICIA SMITH,**  
**Plaintiff**

**v.**

**SPIRITRUST LUTHERAN, et al.,**  
**Defendants**

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**No. 1:20-cv-00174**

**(Judge Kane)**

**ORDER**

**AND NOW**, on this 23rd day of March 2021, upon consideration of Defendants SpiriTrust Lutheran (“SpiriTrust”) and Cura Hospitality (“Cura”)’s motions to dismiss Plaintiff Alicia Smith (“Plaintiff”)’s amended complaint (Doc. Nos. 27, 29), and in accordance with the Memorandum issued concurrently with this Order, **IT IS ORDERED THAT** the motions are **GRANTED IN PART** and **DENIED IN PART** as follows:

1. Plaintiff’s claim of conspiracy in violation of 42 U.S.C. § 1985 (Count II) is **DISMISSED WITH PREJUDICE**;
2. Plaintiff’s claims of disability discrimination in violation of the Americans With Disabilities Act (“ADA”), 42 U.S.C. § 12111, et seq. (Count IV) are **DISMISSED WITH PREJUDICE**;
3. Insofar as Defendants seek to dismiss Plaintiff’s claims of race discrimination pursuant to 42 U.S.C. § 1981 (Count I) and Title VII, 42 U.S.C. § 2000(e), et seq. (Count III), Defendants’ motions (Doc. Nos. 27, 29) are **DENIED**; and
3. Defendants are directed to file an answer to Plaintiff’s amended complaint (Doc. No. 26) within fourteen (14) days of the date of this Order.

s/ Yvette Kane  
Yvette Kane, District Judge  
United States District Court  
Middle District of Pennsylvania